

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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KATHY KMONICEK,

Plaintiff,

MEMORANDUM & ORDER

24-CV-5226 (EK) (SIL)

-against-

ASAP RESTORATION INC.,

Defendant.

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ERIC KOMITEE, United States District Judge:

The Court has received Magistrate Judge Locke's Report and Recommendation (R&R) dated April 3, 2025. ECF No. 20. Judge Locke recommends that the Court (1) grant plaintiff Kathy Kmonicek's motion for default judgment and enter judgment against defendant ASAP Restoration Inc. in the amount of \$9,555.00; and (2) permanently enjoin the defendant from further unauthorized use of Kmonicek's photograph of the town of Great Neck, New York. Neither party has filed objections and the time to do so has expired. Accordingly, the Court reviews Judge Locke's recommendation for clear error on the face of the record. See Fed. R. Civ. P. 72(b) advisory committee's note to 1983 addition; *accord State Farm Mut. Auto. Ins. Co. v. Grafman*, 968 F. Supp. 2d 480, 481 (E.D.N.Y. 2013).

Having reviewed the record, I find no error and therefore adopt the R&R in its entirety. Thus, the Court (1)

enters default judgment against the defendant in the amount of \$9,555.00; and (2) enjoins the defendant from further unauthorized use of the plaintiff's photograph of the town of Great Neck, New York. The Clerk of Court is respectfully directed to enter judgment and close this case.

SO ORDERED.

/s/ Eric Komitee
ERIC KOMITEE
United States District Judge

Dated: May 12, 2025
Brooklyn, New York